

USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

5. Site Plan Review Procedures

(see zoning ordinance §78-202(F), *Site Plans*)

The Town of Herndon zoning ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

When is a Site Plan Required?

Any development proposed within the Town is subject to the Town's zoning and subdivision regulations. Most development requires detailed review through a site plan review process. Development that is exempt from the site plan review process includes:

- ✍ Subdivisions of three or more lots for single family detached dwelling units;
- ✍ Additions, structures, and buildings less than 250 square feet in size located within any single family detached residential district;
- ✍ The internal construction or alteration of the floor area of a development which does not increase gross floor area, increase the intensity of use, or increase the number of parking spaces required, if the development complies with all the standards of Article V: Development Standards;
- ✍ Grading, excavation, filling, soil removal, or clearing of trees within an area of less than 2,500 square feet, although other portions of the Herndon Town Code may apply;
- ✍ Most temporary uses of less than 45 days in duration, in accordance with Section 78-403, Temporary Uses and Structures.

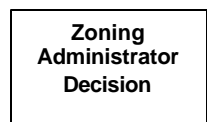
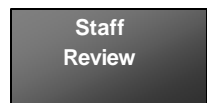
What is involved in the Site Plan Review Process?

The site plan review process varies depending on the complexity of the proposed development. See attached "Steps for Site Plan Review." Most site plans require a public hearing at separate meetings of the Planning Commission and Town Council. Some site plans may also require public hearings with the Architectural Review Board or the Heritage Preservation Review Board. Some site plans may require additional review under the Town's subdivision regulations in Chapter 70 of the Herndon Town Code. Applicants are encouraged to discuss these possibilities in a pre-application conference with a member of the Community Development staff.

The types of site plan reviews are (a) the public hearing process, or (b) the administrative approval process. Site plans that are eligible to be approved administratively are:

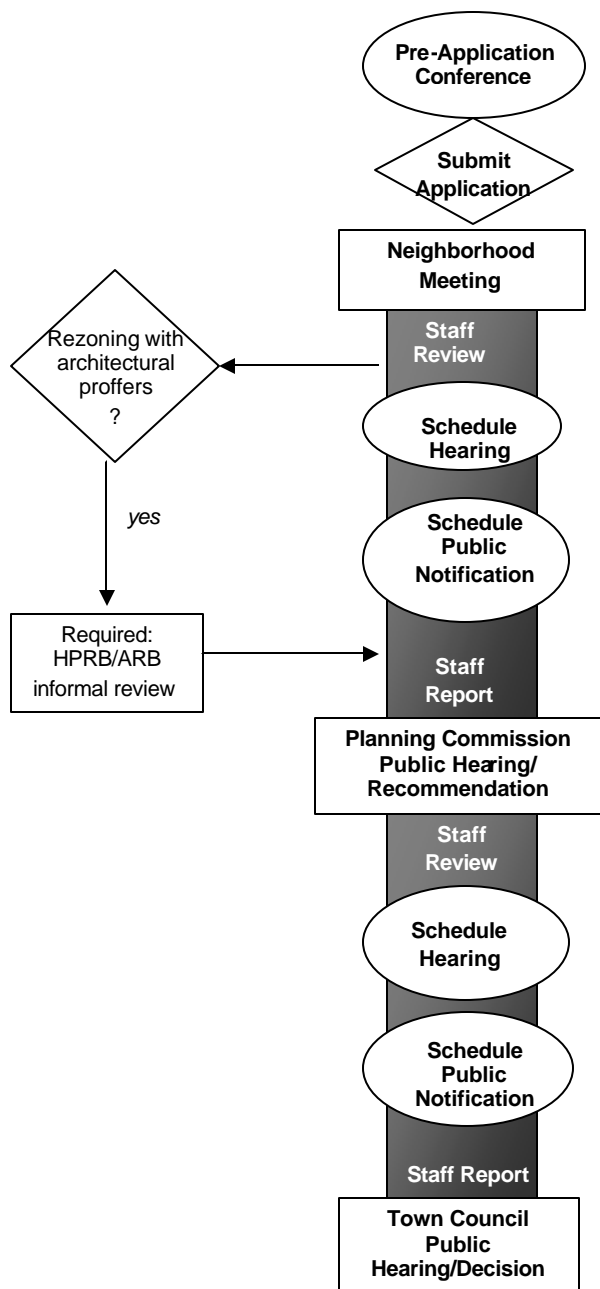
- ✍ Single Lot Development;
- ✍ Minor Site Plan;
- ✍ Temporary Uses of 45 days in duration or longer or otherwise requiring a site plan;
- ✍ Single Lot Development;
- ✍ Final Site Plan Associated with a GDP where the Town Council permitted administrative approval of the site plan.

Applications Eligible for Administrative Approval



The applicant must complete a site plan application along with all information specified in zoning ordinance §78-202(F), *Site Plans*. Information submitted with the application must show how the use will meet all applicable standards described in the zoning ordinance and nine sets of plans. Sometimes, a traffic impact study is required (see User Guide # 8. Traffic Impact Studies.)

Applications that Require a Public Hearing



For applications that require a public hearing, applicants are encouraged to hold a public hearing, especially if the proposed development could affect nearby residential properties. Applicants are expected to attend public hearings when the application is considered. The application is considered by the Planning Commission at a public hearing which is followed by a recommendation by the Planning Commission to the Town Council. The Town Council later holds a public hearing, considers the application, the Planning Commission recommendation, the staff report, and the applicant's presentation. The Town Council then makes a decision to approve or disapprove the application based on the standards in the zoning ordinance.

What Happens After the Site Plan is Approved?

After approval by the Town Council (in cases where a public hearing is required), final administrative approval is required prior to commencing any site work (see attached "Steps for Site Plan Review".) For all site plans, a building permit (if applicable) must be issued for at least one building within the proposed development within five years, and the development must be completed within the time allowed under the Town's building regulations, or the site plan approval shall expire. This period may be extended by six months if a written request is received at least 30 days prior to expiration and if the extension is approved by the Town Council.

Are other land use permits required after Site Plan Approval?

Yes. Permits may include:

- ✍ Clearing and grading permits.
- ✍ Subdivision approval as applicable;
- ✍ A Zoning Inspection Permit (application form available upon request) for new construction or expansion;
- ✍ Sign permits;
- ✍ Certificate of Appropriateness for development in the Heritage Preservation Overlay District;
- ✍ Approval by the Architectural Review Board for non-single family development outside of the Heritage Preservation Overlay District;
- ✍ Building Permits as applicable.

What if an Approved Site Plan Needs a Revision?

Consultation with the Zoning Administrator is advised. If the revision involves major changes in the physical

improvements of a previously approved site development plan, the applicant should submit a site plan application in anticipation of a public hearing process. If the revision involves only minor changes in the physical improvements of

a previously approved site development plan, the applicant should submit an application for a site plan that may be eligible for administrative approval. A fee and nine sets of drawings showing the revision must be submitted with the application.

Need more information?






Got a question on required permits, the permit process, or application requirements? Call or make an appointment to see a member of the staff in the **Department of Community Development at 703-787-7380**.








Have a question regarding building permits or construction codes? Call or make an appointment to see the **Building Official at 703-435-6850**.






Visit the Town of Herndon on the web at www.herndon-va.gov for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20172.



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DETAILED STEPS FOR SITE PLAN REVIEW		step involves activity related to:		
		public hearing	subdivision of land	organization other than Town
1.	Complete and submit an a site plan application with all submittal requirements listed on the application			
2.	Deliver one copy of the site plan to the Fairfax County Fire and Rescue Department for its review. Bring a receipt from the Fire and Rescue Department to the Town's Department of Community Development (DCD) to show that the plan was received and the date when the plan was submitted.			
3.	DCD distributes copies of the site plan to reviewing staff to begin staff review. If any required elements of the site plan, such as the landscape plan or grading plan, are missing from the submittal, review of the site plan is terminated.			
4.	After the Fire and Rescue Department completes its review, it notifies the applicant's engineer to pick up the plan. The engineer brings the plan as marked-up or signed by the Fairfax County Fire Chief to the Town of Herndon Public Works Department. The Town cannot complete its review until the Town staff has received and reviewed the remarks of the Fire and Rescue Department. Note: The Fire Chief's signature of approval is also required on the "final" approved plan.			
5.	DCD notifies the engineer when the plan review is complete. Comments are transmitted in writing. A meeting is requested if the comments are extensive or complicated.			
6.	The applicant's engineer submits a corrected version of the site plan ("resubmission") and the associated fee.			
7.	If the site plan includes any public easements or dedications, a plat is submitted with the resubmission. Plats are reviewed under the regulations of Herndon Town Code Chapter 70, <u>Subdivision of Land</u> . All information on the plat must match the information on the site plan.			
8.	If the site consists of more than one parcel or lot, a consolidate plat or a "unified commercial subdivision" must be submitted and approved. This procedure occurs under the regulations of Herndon Town Code Chapter 70, <u>Subdivision of Land</u> .			
9.	<i>Only for site plans that require a public hearing:</i>			
	(a) When the proposed plan is in general compliance with the Town's policies and regulations, the site plan is scheduled for a public hearing before the Planning Commission.			

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	(b) At least five days prior to the Planning Commission public hearing, the applicant must furnish copies of signed receipts verifying that the adjacent property owners received notification of the proposed plan at least 15 days prior to the hearing. The public hearing cannot be held unless these receipts are provided. See User Guide <u>#27. Written (Mailed) Notification to Adjacent Property Owners for Scheduled Public Hearings.</u>			
	(c) One week prior to the Planning Commission work session, the applicant must submit a transparency or electronic file in MS PowerPoint to show the proposed site plan sheet and landscape plan sheet to DCD for use at future meetings.			
	(d) Unless revisions to address the Planning Commission's recommendation are needed after the hearing, the plan is scheduled for the Town Council public hearing approximately one month after the Planning Commission public hearing.			
	(e) One week prior to the Town Council work session associated with the scheduled public hearing, the applicant must submit none copies of the site plan and landscaping plan, reduced to a size of 11" x 17" to DCD for distribution to the Town Council.			
	(f) At least five days prior to the Town Council public hearing, the applicant must furnish copies of signed receipts verifying that the adjacent property owners received notification of the proposed plan at least 15 days prior to the hearing. The public hearing cannot be held unless these receipts are provided. See User Guide <u>#27. Written (Mailed) Notification to Adjacent Property Owners for Scheduled Public Hearings.</u>			
	(g) If the Town Council approves the plan, the applicant prepares the site plan for final administrative approval.			
10.	Architectural plans and landscaping plans for all developments must be reviewed and approved by the Architectural Review Board or Heritage Preservation Review Board. For site plans that require a public hearing, final approval by the Architectural Review Board or the Heritage Preservation Review Board cannot be scheduled until after Town Council approval of the site plan. For all site plans, informal preliminary review can occur at any time and is encouraged.			
11.	Final administrative approval is required (even if the plan was approved by the Town Council).prior to commencing to any site work.			

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12.	Before final administrative approval is granted, the following items must be submitted for review and approval:			
	(a) Proof of title. Contract purchasers may not proceed until the property has been acquired. Proof of title is a Certificate of Title furnished by the applicant's attorney. A form for this certificate may be obtained from DCD.			
	(b) Plats, deed of easements, dedications, and consolidations. The staff can provide copies of model deed for easements for water, storm sewer and sanitary sewer systems. The applicant must originate deeds.			
	(c) Performance guarantees. A performance bond and conservation cash escrow account must be established. See User Guide <u>#11. Performance Guarantees.</u>			
	(d) Payment of the pro rata share for storm drainage.			
	(e) A stormwater management and maintenance agreement (if stormwater management facilities are located on the site.)			
13.	The staff reviews and approves proposed easement and dedication deeds and plats, and other agreements.			
14.	The applicant submits seven black-line photocopies of the plat for signature by the Mayor, along with two fully executed copies of the deeds. Each copy of the plat requires an original signature by the owners and surveyor. Additional copies of the plat may be needed and requested as part of the plat review.			
15.	The applicant must record plats, deeds of easement, dedications, and consolidations in the Land Records Division of the Fairfax County Circuit Court. After recordation, the applicant must submit evidence of recordation, including deed book and page number, to DCD for annotation on the copies of the signed plat retained by the Town.			
16.	The Town's Department of Public Works approves the fee amounts for the public improvements shown on the site plan. DCD provides instructions for performance guarantees:			
	(a) Funds for the conservation cash escrow agreement can be posted in one of three ways:			
	(i) a check for the amount can be deposited with the Town,			

DETAILED STEPS FOR SITE PLAN REVIEW		step involves activity related to:		
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	(ii) a passbook account can be established in a local northern Virginia Bank or Savings and Loan in the name of the Town of Herndon, or			
	(iii) a combination of cash and a Letter of Credit may be submitted. The latter only is acceptable if the amount of the landscaped escrow exceeds \$15,000. Seventy-five percent of the amount may be in the form of a Letter of Credit; however, the remaining conservation cash escrow monies must in the form of cash or bank account. Any interest accrued from the account will be returned when the cash escrow is released by the Town of Herndon.			
	(b) A review fee must accompany submittal of each performance guarantee document (contract, conservation cash escrow agreement, surety bond or letter of credit.)			
17.	When all engineering and planning requirements are satisfied on the site plan, the Town staff notifies the engineer to prepare nine copies of the site plan for final approval.			
18.	The applicant submits all nine copies of the site plan to the Fairfax County Fire and Rescue Department for signature. The Fire Chief must sign every copy. The Fire Chief's signature on an earlier submission is not valid.			
19.	The applicant submits nine copies of the final site plan, with the original signature of the Fire Chief on every copy, to DCD. DCD routes the plans for all appropriate Town signatures.			
20.	DCD returns three copies of the approved plan to the applicant's engineer. One of those copies is to be kept on site at all times during the construction of the project, one copy is to be retained by the engineering company, and one copy is for the owner of the property.			
21.	The applicant contacts the Town's Department of Public Works to schedule a pre-construction conference. This conference is required to be held with the contractor and subcontractor before any site work may begin.			
22.	The applicant must install tree protection fences and request their inspection by the Town prior to beginning any site grading work.			